

Environmental Protection Agency

§ 166.41

(2) A discussion of the effectiveness of the pesticide in dealing with the emergency condition;

(3) A description of any unexpected adverse effects which resulted from use of the pesticide under the exemption;

(4) The results of any monitoring required and/or carried out under the exemption;

(5) A discussion of any enforcement actions taken in connection with the exemption;

(6) Method(s) of disposition of a food crop, if required to be destroyed under an exemption; and

(7) Any other information requested by the Administrator.

(c) *Records.* Records for all treatments involving the first food use of a pesticide will be maintained by the agency to which the emergency exemption was granted for a minimum of 2 years following the date of expiration of the exemption. On request by the Agency these records shall be made available to the Administrator. Records will include all of the following:

(1) Locations where the pesticide was applied;

(2) Dates of application (range); and

(3) Total quantity of the pesticide used.

[51 FR 1902, Jan. 15, 1986, as amended at 58 FR 34203, June 23, 1993; 71 FR 4512, Jan. 27, 2006]

§ 166.34 EPA review of information obtained in connection with emergency exemptions.

EPA shall review information submitted in connection with emergency exemptions and, when applicable, use it in connection with other regulatory decisions under the Act.

§ 166.35 Revocation or modification of exemptions.

(a) *Grounds.* The Administrator may revoke or modify the terms or conditions of a specific, quarantine, or public health exemption if he determines one of the following:

(1) An emergency no longer exists;

(2) Use of the pesticide under the exemption may cause unreasonable adverse effects on the environment;

(3) The pesticide authorized under the exemption is not effective at con-

trolling the pest or conditions causing the emergency; or

(4) The terms and conditions established by the exemption and these regulations are not being complied with.

(b) *Implementation.* The revocation or modification becomes effective as soon as the Administrator notifies the State or Federal agency which submitted the application. Upon notification, the applicant is required immediately to take all necessary steps to assure that further use complies with the terms and conditions of any modification or, if the exemption has been revoked, to stop further use.

Subpart C—Crisis Exemptions

§ 166.40 Authorization.

The head of a Federal or State agency, the Governor of a State, or their official designee, may issue a crisis exemption in situations involving an unpredictable emergency situation when:

(a) An unpredictable emergency condition exists;

(b) The time element with respect to the application of the pesticide is critical, and there is not sufficient time either to request a specific, quarantine, or public health exemption or, if such a request has been submitted, for EPA to complete review of the request; and

(c) EPA has provided verbal confirmation that, for food uses, a tolerance or exemption from the requirement of a tolerance can be established in a timely manner, responsive to the projected timeframe of use of the chemical and harvest of the commodity, and that, for any use, the Agency has no other objection.

[51 FR 1902, Jan. 15, 1986, as amended at 71 FR 4512, Jan. 27, 2006]

§ 166.41 Limitations.

The crisis provisions may not be utilized to authorize a pesticide use if any of the following has occurred:

(a) EPA has informed the head of the Federal or State agency, the Governor, or their official designee, not to issue such an exemption;

(b) The pesticide use has been suspended under section 6(c) of the Act;

§ 166.43

(c) The pesticide use has been cancelled following a notice issued under section 6(b) of the Act;

(d) The pesticide contains a new chemical; or

(e) The application proposes the first food use of a pesticide.

§ 166.43 Notice to EPA and registrants or basic manufacturers.

(a) *Timing of notice.* (1) The State or Federal Agency issuing the crisis exemption must notify the Administrator in advance of utilization of the crisis provisions.

(2) The State or Federal agency issuing the crisis exemption shall notify the registrant(s) or, if appropriate, the basic manufacturer(s) of the pesticide(s) being used under the crisis exemption at the same time notice is given to EPA or as soon thereafter as possible.

(b) *Contents of notice.* Information required to be provided in notices shall include all of the following:

(1) The name of the product and active ingredient authorized for use, along with the common name and CAS number if available, including a copy of the EPA registered label and use directions appropriate to the authorized use;

(2) The site on which the pesticide is to be used or is being used;

(3) The use pattern;

(4) The date on which the pesticide use is to begin and the date when the use will end;

(5) An estimate of the level of residues of the pesticide expected to result from use under the crisis exemption;

(6) Earliest anticipated harvest date of the treated commodity;

(7) Description of the emergency situation; and

(8) Any other pertinent information available at the time.

[51 FR 1902, Jan. 15, 1986, as amended at 58 FR 34203, June 23, 1993; 71 FR 4512, Jan. 27, 2006]

§ 166.45 Duration of crisis exemption.

A crisis exemption may be authorized for:

(a) Only as long as is necessary to control the pest or conditions causing the emergency; and

40 CFR Ch. I (7–1–12 Edition)

(b) No longer than 15 days, unless an application requesting a specific, quarantine, or public health exemption for this use has been submitted to the Agency.

§ 166.49 Public notice of crisis exemptions.

(a) *Periodic notices.* At least quarterly, the Administrator shall issue a notice in the FEDERAL REGISTER announcing issuance of crisis exemptions. The notice shall contain all of the following:

(1) The name of the applicant;

(2) The pesticide authorized for use;

(3) The crop or site to be treated; and

(4) The name, address, and telephone number of a person in the Agency who can provide further information.

(b) *Annual reports.* Annually, the Agency shall issue a notice in the FEDERAL REGISTER that shall summarize:

(1) The number of crisis exemptions declared; and

(2) The number of crisis exemptions revoked.

[51 FR 1902, Jan. 15, 1986, as amended at 71 FR 4512, Jan. 27, 2006]

§ 166.50 Reporting and recordkeeping requirements for crisis exemption.

(a) *Adverse effects information.* Any adverse effects resulting from the use of a pesticide under a crisis exemption must be immediately reported to the Agency.

(b) *Final reports.* (1) A report summarizing the results of treatment under a crisis exemption will be required to be submitted to the Agency within 3 months following the last date of treatment. If a specific, quarantine, or public health exemption has been approved while the crisis exemption is in effect, however, the crisis exemption report may be incorporated into the specific, quarantine, or public health exemption final report required under § 166.32(b) and submitted at the time it is due.

(2) Information to be included in the crisis exemption report includes the same information as required in § 166.32(b) and an explanation as to why there was a need to utilize the crisis provisions.